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Governor

# *The Commonwealth of Massachusetts*

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Commissioner

### Minutes

**BBRS Building Code Appeals Board (BCAB)**

**Meeting Location: Taunton District Office, 1380 Bay Street, Taunton, MA**

**Meeting Date: July 22, 2014**

**Meeting Time: 9:30 a.m.**

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1. Meeting called to order by the Chairman, Harry Smith, at 9:30 a.m. followed by roll call:

#### Board Members Present:

Harry Smith, Chairman

Alexander (Sandy) MacLeod

Jake Nunnemacher

#### Board Members Not Present:

None

There were six (6) cases on the docket scheduled each 30 minute period, beginning at 9:30 a.m. and running until approximately 1:15 p.m. The three board members identified above served each case; guests varied with each case. A copy of the sign-in sheet for each case is appended to these minutes to identify attendees.

#### Guests Present:

See sign-in sheet for each case.

2. July 10, 2014 meeting minutes approved.
3. **Case Number:** 14-1399  
**Appellant:** Scott Payette for Iroquois Realty LLC.  
**Address of Property:** 5 Iroquois Street, Mission Hill, MA. 02120  
**Summary of Case:** This appeal concerned (*The State Building Code, Eighth Edition*) Table 503, & 780 CMR 903.2.8 & 780 CMR 907. The appellant seeks to obtain relief from the minimum allowable height and number of stories to allow a height of 41 feet and 4 stories.

**List of Exhibits:**

- Exhibit 1.** Application dated June 23, 2014.  
**Exhibit 2.** 4 photos of the property.  
**Exhibit 3.** 1 page floor plan A-1 dated 10-25-13

On a **MOTION** by Jake Nunnemacher and **SECONDED** by Sandy MacLeod, it was **UNANIMOUSLY** voted to **grant a withdrawal of the appeal** so that the appellant can re-file the appeal with a more completed application at a later date.

4. **Case Number:** 14-1400  
**Appellant:** Amy Murdock for Simon Properties.  
**Address of Property:** 100 Huntington Avenue, Boston, MA. 02116  
**Summary of Case:** The appeal concerned (*The State Building Code, Eighth Edition*) Section 3007.4, 706.1, 1008.1.4 & 1301.1. The appellant seeks to reclassify the existing building as Type 1B Protected Noncombustible construction.

On a **MOTION** by Sandy MacLeod and **SECONDED** by Jake Nunnemacher, it was **UNANIMOUSLY** voted to **grant a variance to 780 CMR 706.1** allowing a 3 hour fire rated horizontal fire barrier between the retail & residential unit. The second motion was to **grant a variance to 780 CMR Section 3007.4-Fire Access** where fire services will enter the street, go up to the 5<sup>th</sup> floor, up to a horizontal grid corridor and into the building. This is with the **Condition** that the appellant must provide a letter from both Boston Inspectional Services and Boston Fire Department stating that they are not opposed. If they cannot provide a letter to the board then the variance is denied.

5. **Case Number:** 14-1401  
**Appellant:** Douglas Stefanov, AIA for Jay Lanstein.  
**Address of Property:** 215-217 I Street, South Boston, MA. 02127  
**Summary of Case:** The appeal concerned (*The State Building Code, Eighth Edition*) Section 705.8. The appellant was seeking relief from the building opening and protective code 705.8 as these are existing bedroom windows as are the adjacent neighbors who both share this 4'-0" alleyway and without which the bedroom would be non-conforming.

Nobody appeared at the hearing so the chairman Harry Smith opened up the case and **closed the case**.

6. **Case Number:** 14-1402  
**Appellant:** Rockwood Edwards for Cabot, Cabot & Forbes of NE.  
**Address of Property:** 0 Penn Street, Quincy, MA. 02169  
**Summary of Case:** The appeal concerned (*The State Building Code, Eighth Edition*) Chapter 6, Section 602.3 & 780 CMR Chapter 14, Section 1406.2.2(2). Acting upon a denial from the City of Quincy, the appellant seeks relief due to the hardship and the proposed condition that does not pose a hazard to the public health or welfare in the appellant's eyes.

**List of Exhibits:**

**Exhibit 1.** Application dated June 27, 2014.

**Exhibit 2.** Proposed Compliance with NFPA 285, 19 pages.

On a **MOTION** by Sandy MacLeod and **SECONDED** by Jake Nunnemacher, it was **UNANIMOUSLY** voted to **grant a variance to 780 CMR 602.3 & 780 CMR 1406.2.2**. One is related to the exterior of the building which is 2" x 6" with fire-rated studs, with 2 layers of 5" x 5/8" type X, gypsum board on the inside and a layer of 20 blocks on the exterior. The outside is try wood plank. The architectural trim is over 40ft in height and the proposed material is Trespa.

7. **Case Number:** 14-1403  
**Appellant:** Henry MacLean for Ford S. Madeira.  
**Address of Property:** 77 Village Avenue, Dedham, MA. 02026  
**Summary of Case:** The appeal concerned a variance from 780 CMR (*The State Building Code, Eighth Edition*), Section 302.1

On a **MOTION** by Sandy MacLeod and **SECONDED** by Harry Smith, it was **UNANIMOUSLY** voted to **grant a variance to 302.1** to allow this home to be reconstructed on the same footing and the same footprint but allowing 2 additional windows on that side. The exterior of the wall shall be hardwood.

8. **Case Number:** 14-1404  
**Appellant:** Lisa Pecora-Ryan for Concord Carlisle Reg. School District.  
**Address of Property:** 500 Walden Street, Concord, MA. 01742  
**Summary of Case:** The appeal concerned (2009 IBC, *International Building Code*) Section 1008.1.9.8 & 1008.1.10. The appellant is seeking to install electromagnetic locks on the doors at the four egress stairs that connect the 2<sup>nd</sup>, 3<sup>rd</sup>, and 4<sup>th</sup> floor levels as a security element in the new high school.

On a **MOTION** by Sandy MacLeod and **SECONDED** by Harry Smith, it was a **TWO TO ONE** (2-1) (Nunnemacher was opposed) voted to **grant a variance 2009 IBC Section 1008.1.10 & 1008.1.9.8** for the electromagnetic locks on the stairwells going into the stairwells and going up the building but allowing everyone in the building to get out of the building. This has to be agreed to by the Fire Dept. and the Police Dept. The alarm goes off and everything opens and the only person that can put this back on is someone from the Fire Dept.

11. The meeting adjourned at 1:30 p.m.